

REMARKS

This application has been reviewed in light of the Office Action dated October 14, 2009. Applicants respectfully request favorable reconsideration in light of the foregoing amendments and the following remarks.

Claims 1-8 and 10-18 are presented for examination. Claims 1, 10, and 12 are in independent form. The independent claims have been amended to more clearly define Applicants' invention. Support for these amendments may be found throughout the application including, for example, at paragraph [0021] of the specification, as originally filed. Accordingly, no new matter has been added by any amendment.

§ 101 Rejections

Claims 1-8, 10-14, and 16-18 remain rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Office Action states that claims 1-8 each recite an apparatus that is directed only to software elements and that fails to include any structural element. The Office Action further states that claims 10-14 and 16-18 each recite a method that is not tied to a particular machine.

For clarity's sake, Applicants note that claims 1-8, 10, and 11 recite computer-implemented acquisition systems, while claims 12-18 recite computer-implemented acquisition methods. Thus, Applicants assume that the conclusions drawn in the Office Action with regard to claims 1-8—rather than those drawn with regard to claims 12-14 and 16-18—apply to claims 10 and 11.

Independent claim 1 has been amended to recite that one component of a computer-implemented acquisition system is at least one computer. Independent claim 10 has been amended similarly. The systems recited in those claims include one or more computers.

Thus, the claims are directed to machines or manufactures and, therefore, are eligible for patenting under § 101.

Independent claim 12 has been amended to recite that one step of a computer-implemented acquisition method is determining, on a computer that includes a dispatcher, a corresponding one of a plurality of handler systems to which to route application data. The method is tied to the positively-recited computer, and the step performed on the computer is integral to the claimed method. Thus, claim 12 is directed to a process within the meaning of §101, and it is eligible for patenting.

§ 103 Rejections

The Office Action states that claims 1-8, 10-14, and 16-18 are newly rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,070,142 to McDonough et al. (“*McDonough*”). The Office Action also newly rejects these claims under § 103(a) as being unpatentable over paragraph [0004] of the “Background of the Invention” section of Applicants’ specification.

Response to § 103 Rejections

There are three independent claims. Independent claim 1 recites a computer-implemented acquisition system. The system includes a portal, a plurality of worker utilities, a plurality of handler systems, and a dispatcher. The dispatcher is configured to receive application data from the portal and route the data to one of the handler systems based upon a product or service associated with the data. Independent claim 10 recites a system that includes elements similar to claim 1 and also includes a service data validation worker. Independent claim 12 recites a computer-implemented method that includes features similar to claim 1.

Applicants respectfully submit that the rejection of independent claim 1 over *McDonough* fails to set forth a *prima facie* case of obviousness. In determining the differences between the prior art and the claims, the Office Action finds that the prior art of *McDonough* teaches the claimed portal, handler systems, and worker utilities. However, the Office Action also finds that the prior art does not teach a dispatcher configured to receive application data from a portal and route the data to a handler system. While the Office Action states that a motivation to combine a dispatcher with *McDonough* is to reduce redundant application processing infrastructure, this motivation is simply a rehashing of a problem with the art known at the time of the invention, as discussed at paragraph [0007] of the specification. A finding that one of ordinary skill knows of a problem with the art is not a finding that one of ordinary skill in the art knows a solution to the problem. If this was not true, then any identification of a problem would render its solution unpatentable. In sum, the dispatcher recited in claim 1 is conspicuously absent from the prior art identified by the Office Action. One of ordinary skill in the art thus could not have combined a dispatcher with *McDonough*, no matter how much motivation there was. Therefore, the rejection of claim 1 over *McDonough* set forth in the Office Action fails to relieve the Office of its burden of establishing a *prima facie* case of obviousness.

Independent claims 10 and 12 recite features similar to claim 1, and thus the reasoning set forth above applies to these claims as well. Furthermore, claim 10 recites a service data validation worker as one of its elements. The Office Action does not identify a service data validation worker as being taught by *McDonough*, and it does not identify other prior art that might provide such teaching. The Office Action does provide a motivation to combine a service data validation worker into a computer-implemented acquisition system. However, as discussed above, the motivation to combine an element does not show that the element is in the prior art.

Therefore, the service data validation worker is not in the prior art identified by the Office Action, and the rejection of claim 10 over *McDonough* is deficient for this additional reason.

Turning now to the rejection of the claims over Applicants' specification, this rejection is based on paragraph [0004]. That passage states that companies are comprised of several business groups, or "clients," that clients each offer their own products or services, and that each client maintains separate and distinct application processing infrastructures. The Office Action states that this passage fails to teach a dispatcher, but makes no finding as to what it *does* teach. Nonetheless, the Office Action concludes that in light of this passage, it would have been obvious to have added each of the elements recited in the claims.

Applicants respectfully submit that the rejection of independent claim 1 over the specification also fails to set forth a *prima facie* case of obviousness. While the passage may teach the preamble of claim 1, it does not teach a portal, a plurality of worker utilities, a plurality of handler systems, or, as the Office Action explicitly admits, a dispatcher. Because the rejections of the claims over the specification fails to identify a prior art teaching of any of the elements or features of the independent claims, the Office Action has failed to establish a *prima facie* case of obviousness.

The Office Action has failed to establish any *prima facie* case for rejecting the independent claims over the cited art. Therefore, Applicants submit that these claims are patentable. The other rejected claims in this application depend from one or another of the independent claims and, therefore, are submitted to be patentable for at least the same reasons. Moreover, each dependent claim defines additional features of the invention. Because teachings of these features are not addressed in the Office Action, Applicants respectfully request that such teachings be identified in the prior art should the rejection of these claims be maintained in the next action.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

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